

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 469

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE OCCUPATIONAL THERAPY PRACTICE ACT; AMENDING SECTION 54-3714, IDAHO CODE, TO REVISE BOARD MEMBER COMPENSATION; AMENDING SECTION 54-3719, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISPOSITION OF RECEIPTS AND EXPENSES; AND REPEALING SECTION 54-3721, IDAHO CODE, RELATING TO THE OCCUPATIONAL THERAPY LICENSURE FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-3714, Idaho Code, be, and the same is hereby amended to read as follows:

54-3714. LICENSURE BOARD. (1) The occupational therapy licensure board of Idaho shall consist of five (5) members appointed by the governor, three (3) of whom shall be appointed from recommendations of licensees submitted by the association, except the first licensure board appointments whose members shall be registered occupational therapists (OTR's) or certified occupational therapy assistants (COTA's) eligible to become licensed under this chapter, all of whom shall be residents of Idaho at the time of their appointment. If recommendations are not made within sixty (60) days of notification and request, the governor may make appointments of any qualified individual. The persons appointed to the licensure board who are required to be licensed under this chapter shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five (5) years immediately preceding their appointments. At least three (3) licensure board members shall be occupational therapists and one (1) of those members may be an occupational therapy assistant. These members shall at all times be holders of valid licenses for the practice of occupational therapy in Idaho, except for the members of the first board, all of whom shall fulfill the requirements for licensure of this chapter. The remaining members shall be members of health professions or members of the public with an interest in the rights of the consumers of health services.

(2) The governor, within sixty (60) days following the effective date of this chapter, shall appoint two (2) licensure board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.

(3) Within thirty (30) days after the effective date of this chapter, and annually thereafter, the association may submit at least three (3) and

not more than five (5) names for each of the five (5) board positions. In the event of a vacancy in one (1) of the positions the association may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. The governor shall appoint, as soon as practical, one (1) person, who shall fill the unexpired term. If the association does not provide a recommendation, the governor shall appoint a person to the unexpired term. The governor may remove any licensure board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(4) The licensure board shall within sixty (60) days after the effective date of this chapter, and annually thereafter, hold a meeting and elect a chairman who shall preside at meetings of the licensure board. In the event the chairman is not present at any licensure board meeting, the licensure board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the licensure board shall constitute a quorum. Other meetings may be convened at the call of the chairman or the written request of any two (2) licensure board members.

(5) Each member of the licensure board shall be compensated as provided in section 59-509 ~~(h)~~, Idaho Code.

SECTION 2. That Section 54-3719, Idaho Code, be, and the same is hereby amended to read as follows:

54-3719. DISPOSITION OF RECEIPTS -- EXPENSES. (1) All fees received under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational ~~therapy licensure fund~~ licenses account and all costs and expenses incurred ~~by the licensure board~~ under the provisions of this chapter shall be a charge against and paid from said fund ~~for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter. In no instance shall the occupational therapy licensure fund be obligated to pay any claims which in aggregate with claims already allowed exceed the income to the occupational therapy licensure fund which has been derived from the application of this chapter.~~

~~(2) Money paid into the occupational therapy licensure fund pursuant to this chapter is hereby continuously appropriated to the licensure board for expenditure in the manner prescribed herein to defray the expenses of the licensure board in carrying out and enforcing the provisions of this chapter.~~

SECTION 3. That Section 54-3721, Idaho Code, be, and the same is hereby repealed.